

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SAMUEL HARRIS,**

**Plaintiff,**

**v.**

**Case No. C2-04-CV-1179  
JUDGE GREGORY L. FROST  
Magistrate Judge King**

**CITY OF ST. CLAIRSVILLE, OHIO, *et al.*,**

**Defendants.**

**OPINION & ORDER**

The Court considers this matter pursuant to a motion to strike filed by Defendant City of St. Clairsville (St. Clairsville”). (Doc. #75). Specifically, St. Clairsville moves the Court to strike Plaintiff Samuel Harris’ (“Harris”) counterclaim against St. Clairsville. Harris did not respond.

Harris filed his Third Amended Complaint on January 27, 2006. (Doc. # 59). St. Clairsville subsequently filed its Answer and asserted a counterclaim against Harris. (Doc. # 64). In response, Harris filed his Reply to St. Clairsville’s counterclaim against him and also asserted a counterclaim against St. Clairsville. (Doc. # 70). St. Clairsville now moves the Court for an Order striking Harris’ counterclaim pursuant to Fed. R. Civ. P. 7(a), which provides:

(a) Pleadings. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

(Doc. # 75 at 2). As St. Clairsville correctly points out, nothing in Rule 7 allows Harris to assert

a counterclaim against St. Clairsville in this situation. Accordingly, the Court **GRANTS** St. Clairsville's motion to strike Harris' counterclaim. (Doc. # 75). The Clerk is **ORDERED** to **STRIKE** Harris' counterclaim from the record.

**IT IS SO ORDERED.**

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s/ Gregory L. Frost

**GREGORY L. FROST**

**UNITED STATES DISTRICT JUDGE**